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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,960	03/22/2001	Tatsuya Uchikata	NEG-201US	2849

466 7590 01/12/2005

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EXAMINER

WINTER, JOHN M

ART UNIT PAPER NUMBER

3621

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/813,960

Applicant(s)

UCHIKATA, TATSUYA

Examiner

John M Winter

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28,31 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-28,31 and 35 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3621

DETAILED ACTION

STATUS

Claims 1-28, 30-31 and 35 remain pending.

Response to Arguments

The Applicant's arguments filed on October 27, 2004 have been fully considered

The amended claims are rejected in view of the newly discovered reference McDonald et al. (US Patent 5,593,267)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US Patent 6,249,772) in view of Hogan (US Patent 5,704,046) in view of McDonald et al. (US Patent 5,593,267).

As per claim 1,

Walker et al ('772) discloses a transaction method comprising the steps
sending a second identifier associated with the first identifier and a part of the transaction information to a vendor's terminal; (Column 11, lines 7-17)

sending a notification to said buyer's terminal in response to an instruction indicating that goods, to which the second identifier is attached, have been delivered to a retail store, the goods being obtained by referencing the part of the transaction information and being sold the transaction; (Column 11, lines 18-49)

checking to see if there is a correspondence between the identifiers upon receiving the first identifier received by a buyer and the second identifier attached to the delivered goods (figure 8B)

outputting an instruction allowing the delivered goods to be passed to the buyer if there is the correspondence (Figure 8B)

sending an instruction requesting to transfer an amount for the goods from a buyer's account to a predetermined account. (Column 11, lines 41-49)

Walker et al ('772) does not explicitly disclose assigning a first identifier to transaction information sent from a buyer's terminal, the transaction information relating to a transaction, sending the first identifier to said buyer's terminal Hogan et al. ('046) discloses assigning a first

Art Unit: 3621

identifier to transaction information sent from a buyer's terminal, the transaction information relating to a transaction, sending the first identifier to said buyer's terminal. (Figure 3). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Walker et al ('772) method with the Hogan. ('046) program in order to keep a persistent record of unique customers for profiling purposes.

Walker et al ('772) does not explicitly disclose wherein the first identifier and/or the second identifier is a bar code. McDonald et al. ('267) discloses wherein the first identifier and/or the second identifier is a bar code. (Figure 2). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Walker et al ('772) method with the McDonald et al. ('267) program in order to keep a persistent record of unique items in a database.

As per claim 2,

Walker et al ('772) discloses a transaction method as defined by claim 1 wherein at least one of sending the first identifier, sending the second identifier, sending the part of the transaction information, and sending the notification is done via electronic email.(Column 10, lines 24-34)

Allowable Subject Matter

Claims 3-28, 31 and 35 are allowable over the prior art record.

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

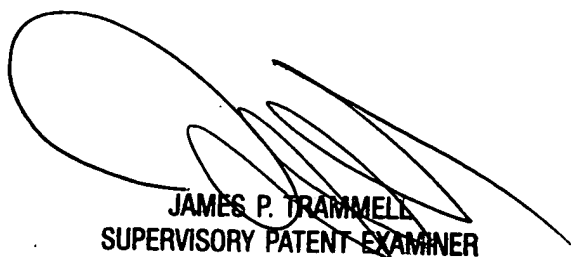
Application/Control Number: 09/813,960

Page 4

Art Unit: 3621

JMW

January 9, 2005



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